

In the United States Patent and Trademark Office

Applicants: Ronald L. Edens et al.
Serial No.: 10/036,635
Confirmation No: 5833
Filed: December 31, 2001
For: LABIAL PAD HAVING A NOTCH

Docket No.: 17,698
Group: 3761
Examiner: Reichle, Karin M.
Date: November 21, 2003

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Provisional Terminal Disclaimer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Present Application

1. Kimberly-Clark Worldwide, Inc., doing business at 401 North Lake Street, Neenah, Wisconsin, 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 10/036,635 filed on December 31, 2001 for "LABIAL PAD HAVING A NOTCH".
2. Assignment of the inventors' rights in present patent application serial number 10/036,635 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012699, Frame 0863.

Copending Commonly Assigned Application

1. Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to copending U.S. patent application serial number 10/036,990 filed on December 31, 2001 for "LABIAL PAD HAVING A NOTCH".
2. Assignment of the inventors' rights in copending patent application serial number 10/036,990 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012717, Frame 0044.

Right of Assignee to Prosecute

Kimberly-Clark Worldwide, Inc. certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Kimberly-Clark Worldwide, Inc.'s knowledge and belief, title of present U.S. patent application serial number 10/036,635 is in Kimberly-Clark Worldwide, Inc..

Provisional Terminal Disclaimer

1. ~~In the event that a patent based upon copending U.S. patent application serial number 10/036,990 issues prior to any patent based upon the present U.S. patent application serial number 10/036,635,~~
Kimberly-Clark Worldwide, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 10/036,635, which would extend beyond the expiration date of the full statutory term, including any applicable term extensions, defined in 35 U.S.C. 154 and 156 for said earlier issuing patent.
2. Kimberly-Clark Worldwide, Inc. hereby agrees that any patent granted upon present U.S. patent application serial number 10/036,635 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to copending U.S. patent application serial number 10/036,990 and any patent(s) issuing therefrom. This agreement shall run with any patent granted upon present U.S. patent application serial number 10/036,635 and shall be binding upon the Kimberly-Clark Worldwide, Inc., its successors and/or assigns.

Exceptions to Provisional Terminal Disclaimer

In the event that, after the filing of this Terminal Disclaimer, any patent based upon copending U.S. patent application serial number 10/036,990:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Kimberly-Clark Worldwide, Inc. specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 10/036,635 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156 including any term extensions as applicable to any patent granted on copending U.S. patent application serial number 10/036,990.

Fee

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide, Inc.'s deposit account number 11-0875. This Provisional Terminal Disclaimer is filed in duplicate.

The undersigned is an attorney of record in the present application having serial no. 10/036,635.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

RONALD L. EDENS ET AL.


By: 
Paul Yee

Reg. No. 29,460

Date: November 21, 2003

CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on November 21, 2003 this Provisional Terminal Disclaimer is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Judith M. Anderson